

Amendment No. 1 to HB0204

Vaughan  
Signature of Sponsor

**AMEND Senate Bill No. 136\***

**House Bill No. 204**

by deleting all language after the enacting clause and substituting:

SECTION 1. This act is known and may be cited as the "CROWN Act: Create a Respectful and Open World for Natural Hair."

SECTION 2. Tennessee Code Annotated, Title 50, Chapter 1, Part 3, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Commissioner" means the commissioner of labor and workforce development or the commissioner's designee;

(2) "Employee" means an individual who performs services for an employer for valuable consideration, and does not include a self-employed independent contractor; and

(3) "Employer" means an individual or entity that employs one (1) or more employees and includes this state and political subdivisions of this state.

(b) An employer shall not enforce a policy that does not permit an employee to wear the employee's hair in braids, locs, twists, or another manner that is part of the cultural identification of the employee's ethnic group or that is a physical characteristic of the employee's ethnic group.

(c)

(1) A policy in violation of subsection (b) is deemed discriminatory, void as against the public policy of this state, and punishable only as provided in this

section. A violation of this section does not form the basis for a violation of another provision of law.

(2) This section does not create a private cause of action.

(d) An employer who violates subsection (b) is subject to a penalty as determined by the commissioner by rule. The commissioner shall promulgate rules in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, that:

(1) Specify the amount of the penalty per violation;

(2) Provide an employer with an opportunity to request a contested case hearing; and

(3) Provide a warning to an employer in lieu of a penalty if the violation is the employer's first violation of subsection (b) and the employer fully complies with all remedial action requested by the commissioner.

(e) Moneys collected pursuant to this section must be used for enforcement of this section, with remaining moneys used to educate employers in this state about this section.

(f) This section does not apply to:

(1) A public safety employee if it would prevent the employee from performing essential functions of the employee's job requirements during the course of employment; and

(2) A policy that an employer must adopt to comply with federal or state laws, rules, or regulations relative to health or safety.

SECTION 3. The commissioner of labor and workforce development may promulgate rules to effectuate this act. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 4. For rule promulgating purposes, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect January 1, 2023, the public welfare requiring it, and applies to prohibited conduct occurring on or after that date.